

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES***

Applicant: A. Maxwell Eliscu
Title: SYSTEM FOR AND METHOD OF HANDLING
REFERRALS FROM REFERRING PARTIES
Appl. No.: 09/667,391
Filing Date: 9/20/2000
Examiner: Jennifer L. Liversedge
Art Unit: 3692
Confirmation Number: 6064

BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Liversedge:

This Appeal Brief is being filed in response to a Notice of Panel Decision from Pre-Appeal Brief Review mailed April 2, 2008, rejecting Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67. The Notice of Panel Decision from Pre-Appeal Brief Review was prepared in response to a Notice of Appeal and Pre-Appeal Brief mailed March 6, 2008. As a result, the submission of this Appeal Brief under the provisions of 37 C.F.R. § 41.37 is timely filed within the two-month period set for the filing of an Appeal Brief. This Appeal Brief is being filed together with payment in the amount of \$255.00 covering the 37 C.F.R. 41.20(b)(2) appeal fee for a small entity. If this fee is deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account No. 19-0741.

Appellant respectfully requests reconsideration of the Application.

REAL PARTY IN INTEREST

This application has been assigned to LSQ II, LLC, having a place of business at 1 South Orange Avenue, Suite 405, Orlando, Florida 32801 USA. The assignment from the inventor was recorded in the records of the United States Patent and Trademark Office at Reel/Frame 011106/0434 on September 20, 2000.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect, be directly affected by, or have a bearing on the present appeal, that are known to Appellant or Appellant's patent representative.

STATUS OF CLAIMS

Claims 4, 6, 7, 13, 18, 36, 53, 55, 65, and 68 have been cancelled. Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67. The present appeal is directed to Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67, all of which stand rejected pursuant to a Final Office Action dated September 11, 2007. Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 are being appealed. Claims 1-68 with the appropriate status reference are shown in the attached Claims Appendix.

STATUS OF AMENDMENTS

Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 were pending in the Application when a Final Office Action dated September 11, 2007, was issued. No amendments have been made in the present Application subsequent to receipt of the final Office Action dated September 11, 2007. A Notice of Appeal was filed on March 6, 2008, and received by the US Patent and Trademark Office on March 6, 2008.

SUMMARY OF CLAIMED SUBJECT MATTER

Three independent claims, Claims 1, 56, and 57, are under appeal. Claim 1 is directed to a method used in a transaction management and financial services system configured to communicate between a server and at least one remote device via a network. A screen display indicating an affiliation with a referring party is provided. (Pg. 12, line 17-pg. 13, line 11; pg. 14, lines 4-18; pg. 37, lines 5-28; pg. 38, line 17-pg. 39, line 22; pg. 40, lines 13-24; pg. 46, lines 3-8; FIG. 13B). A referral is received from the referring party which includes information regarding any of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party. (Pg. 20, lines 1-20; FIG. 7A, step 794; FIG. 7B, step 710). Commercial transaction information associated with the referral is received. (Pg. 15, lines 19-24). The information regarding the referral and the received commercial transaction information is stored in a storage device. (Pg. 14, line 19-pg. 15, line 5; FIG. 3, data warehouse 301, image repository 302). Whether the referral satisfies system-based parameters is determined. (Pg. 20, lines 24-27; pg. 25, lines 10-19; pg. 45, lines 27-30; pg. 46, lines 9-13; pg. 46, lines 25-29). If the referral satisfies system-based parameters, determining whether the system has sufficient information to engage the referral. (Pg. 25, lines 19-21; pg. 47, lines 15-19). If the system has sufficient information, engaging the referral. (Pg. 26, lines 5-6). If the referral becomes engaged, establishing an account for the referral. (Pg. 26, lines 7-8). Operations associated with managing a commercial transaction and which can be performed by the referral are provided. (Pg. 14, lines 4-18; pg. 35, line 12-pg. 37, line 4). Data access information associated with what data is accessed by the referral using the provided operations is captured. (Pg. 35, lines 16-20; pg. 36, line 31-pg. 37, line 4; pg. 38, lines 10-16; pg. 40, lines 6-2). A profile for the referral that includes the captured data access information is formed. (Pg. 35,

lines 29-30). The formed profile is stored in the storage device. (Pg. 16, lines 4-5; pg. 35, lines 23-25; pg. 36, lines 2-6).

Claim 56 is a means plus function claim as permitted by 35 U.S.C. 112, ¶ 6. Claim 56 is directed to a system configured to provide transaction management and financial services and to communicate between a server and at least one remote device via a network. The system includes means for providing a screen display (pg. 11, lines 24-27; pg. 14, 4-18) indicating an affiliation with a referring party. (Pg. 12, line 17-pg. 13, line 11; pg. 14, lines 4-18; pg. 37, lines 5-28; pg. 38, line 17-pg. 39, line 22; pg. 40, lines 13-24; pg. 46, lines 3-8; FIG. 13B). The system includes means for receiving a referral (pg. 12, lines 4-7) from the referring party, the referral including information regarding any of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party. (Pg. 20, lines 1-20; FIG. 7A, step 794; FIG. 7B, step 710). The system includes means for receiving commercial transaction information (pg. 12, lines 4-7-29) associated with the referral. (Pg. 15, lines 19-24). The system includes means for storing the information regarding the referral and the received commercial transaction information in a storage device. (Pg. 14, line 19-pg. 15, line 5; FIG. 3, data warehouse 301, image repository 302). The system includes means for determining (pg. 11, lines 10-20) whether the referral satisfies system-based parameters. (Pg. 20, lines 24-27; pg. 25, lines 10-19; pg. 45, lines 27-30; pg. 46, lines 9-13; pg. 46, lines 25-29). If the referral satisfies system-based parameters, the system includes means for determining (pg. 11, lines 10-20) whether the system has sufficient information to engage the referral. (Pg. 25, lines 19-21; pg. 47, lines 15-19). If the system has sufficient information, the system includes means for engaging (pg. 11, lines 10-20) the referral. (Pg. 26, lines 5-6). If the referral becomes engaged, the system includes means for establishing (pg. 11, lines 10-20) an account for the referral. (Pg. 26, lines 7-8). The system includes means for providing operations (pg. 11, lines

10-20; pg. 14, 4-18) which can be performed by the referral, the operations associated with managing a commercial transaction. (Pg. 35, line 12-pg. 37, line 4). The system includes means for capturing data access information (pg. 11, lines 10-20; pg. 14, 4-18) associated with what data is accessed by the referral using the provided operations. (Pg. 35, lines 16-20; pg. 36, line 31-pg. 37, line 4; pg. 38, lines 10-16; pg. 40, lines 6-2). The system includes means for forming (pg. 11, lines 10-20; pg. 14, 4-18) a profile for the referral that includes the captured data access information. (Pg. 35, lines 29-30). The system includes means for storing the formed profile in the storage device. (Pg. 16, lines 4-5; pg. 35, lines 23-25; pg. 36, lines 2-6; FIG. 3, data warehouse 301, image repository 302).

Claim 57 is directed to a computer program product comprising computer readable program code for handling declinations. The program code in the computer program product comprises the computer readable program code configured to perform the following operations: a screen display indicating an affiliation with a referring party is provided (pg. 12, line 17-pg. 13, line 11; pg. 14, lines 4-18; pg. 37, lines 5-28; pg. 38, line 17-pg. 39, line 22; pg. 40, lines 13-24; pg. 46, lines 3-8; FIG. 13B); a referral is received from the referring party which includes information regarding any of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party (pg. 20, lines 1-20; FIG. 7A, step 794; FIG. 7B, step 710); commercial transaction information associated with the referral is received (pg. 15, lines 19-24); the information regarding the referral and the received commercial transaction information is stored in a storage device (pg. 14, line 19-pg. 15, line 5; FIG. 3, data warehouse 301, image repository 302); whether the referral satisfies system-based parameters is determined (pg. 20, lines 24-27; pg. 25, lines 10-19; pg. 45, lines 27-30; pg. 46, lines 9-13; pg. 46, lines 25-29); if the referral satisfies system-based parameters, determining whether the system has sufficient information to engage the referral (pg. 25, lines 19-21; pg. 47, lines 15-19); if the system has

sufficient information, engaging the referral (pg. 26, lines 5-6); if the referral becomes engaged, establishing an account for the referral (pg. 26, lines 7-8); operations associated with managing a commercial transaction and which can be performed by the referral are provided (Pg. 35, line 12-pg. 37, line 4); data access information associated with what data is accessed by the referral using the provided operations is captured (pg. 35, lines 16-20; pg. 36, line 31-pg. 37, line 4; pg. 38, lines 10-16; pg. 40, lines 6-2); a profile for the referral that includes the captured data access information is formed (pg. 35, lines 29-30); The formed profile is stored in the storage device (Pg. 16, lines 4-5; pg. 35, lines 23-25; pg. 36, lines 2-6).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Two grounds of rejection are presented in this appeal: First, claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Second, claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0049646 (Wilkinson) in view of U.S. Patent Publication No. 2001/0037265 (Kleinberg).

ARGUMENT

I. LEGAL STANDARDS

A. Standard under 35 U.S.C. 112, second paragraph

35 U.S.C. § 122, second paragraph provides that the “specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.” This statutory requirement ensures “that the public has fair notice of what the patentee and the Patent and Trademark Office have agreed constitute the metes and bounds of the claimed invention.” *See London v. Carson Pirie Scott & Co.*, 946 F.2d 1534, 1538, 20 U.S.P.Q.2d 1456, 1458 (Fed. Cir. 1991).

B. Standard under 35 U.S.C. 103(a)

35 U.S.C. 103(a) states:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The legal standards under 35 U.S.C. 103(a) are well-settled. Obviousness under 35 U.S.C. 103(a) involves four factual inquiries: (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. See *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-72 (Fed. Cir. 1984). To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. The teaching or suggestion to make the claimed combination and the reasonable expectation of success both must be found in the prior art, not in Appellant's disclosure. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

**II. REJECTION OF CLAIMS 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67
UNDER 35 U.S.C. 112, second paragraph**

On page 2 of the Office Action dated September 11, 2007, the Examiner rejected Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For the reasons given below, the Appellant submits that the Examiner's rejection of Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 under 35 U.S.C. 112, second paragraph is improper and should be reversed. On page 2 of the Office Action dated September 11, 2007, the Examiner states:

Newly amended language cites "providing operations which can be performed by the referral, the operations associated with managing a commercial transaction." It is unclear how a referral provides operations. For purposes of examination, Examiner will assume operations are performed by a party or a party using a computer system. The next lines of "capturing data access information associated with what data is accessed by the referral using the provided operations" is also unclear. For purposes of examination, Examiner will interpret this to mean capturing data associated with a referral.

Appellant respectfully submits that, contrary to the Examiner's statement, the referral does not provide the operations. According to the claim language, operations are provided that the referral performs as assumed by the Examiner. For example, as stated on page 14, lines 9-11 of the present specification, "web pages allow participants a convenient forum for managing, maintaining, modifying, and concluding all commercial transactions or financing related services." Relative to the capturing element, the claim language clearly states, that the "data access information associated with what data is accessed by the referral using the provided operations" is captured. As a result, Appellant believes the claim language is clear and respectfully requests withdrawal of the rejection of claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 under 35 U.S.C. § 112, second paragraph.

**III. REJECTION OF CLAIMS 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67
UNDER 35 U.S.C. 103(a)**

On page 3 of the Office Action, Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0049646 (Wilkinson) in view of U.S. Patent Publication No. 2001/0037265 (Kleinberg). For the reasons given below, the Appellant submits that the Examiner's rejection of Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 is improper and should be reversed.

Claim 1 recites in part:

providing operations which can be performed by the referral, the operations associated with managing a commercial transaction;

capturing data access information associated with what data is accessed by the referral using the provided operations;

forming a profile for the referral that includes the captured data access information;

Claim 56 recites in part:

means for providing operations which can be performed by the referral, the operations associated with managing a commercial transaction;

means for capturing data access information associated with what data is accessed by the referral using the provided operations;

means for forming a profile for the referral that includes the captured data access information;

Claim 57 recites in part:

provide operations which can be performed by the referral, the operations associated with managing a commercial transaction;

capture data access information associated with what data is accessed by the referral using the provided operations;

form a profile for the referral that includes the captured data access information;

On pages 3-5 of the Office Action, the Examiner states:

Wilkinson discloses a system and method comprising:

...

Providing operations which can be performed by the referral, the operations associated with managing a commercial transaction and capturing data access information associated with what data is accessed by the referral using the provided operations (pages 1-6).

Appellant notes that pages 1-6 of Wilkinson include all but two paragraphs of the entire Wilkinson application. Appellant has carefully reviewed the entirety of Wilkinson and has failed to identify any such teaching provided by Wilkinson. Wilkinson states:

The invention may comprise a method for a service provider to facilitate one or more financial transactions between one or more suppliers of capital, one or more demanders of capital, or some combination thereof. The transaction may be between two or more suppliers, two or more demanders, or at least one demander and at least one supplier. The method comprises the steps of collecting data from a plurality of members comprising at least two suppliers, at least two demanders, or a combination thereof, and entering the data for each member into a database in association with one or more confidential codes and, optionally, an identification of an initial referring party who first referred each member to the service provider. Then, the method comprises facilitating a search of the database by or on behalf of a searcher who is one of the members, to identify by confidential code at least one other member meeting criteria entered by the searcher. A meeting is ultimately arranged between the searcher and at least one other member identified in the search. Upon the searcher and the other member consummating a financial transaction, the service provider receives compensation from at least one of the searcher or the other member for facilitating the transaction. Optionally, the service provider shares with the initial referring party a portion of the compensation.

(Para. [0008], with emphasis added through underlining). Wilkinson also states:

As discussed above, to initiate the agreement between the service provider and the demander, the service provider gathers or is provided data from the demander. This data then becomes part of the data record for each demander that is searchable by member

suppliers. The request for information may be contained in a standard form, which may be a paper form, an electronic form, or may be entered into the database by an operative of the service provider in conjunction with a question and answer session with the demander. The data collected by the service provider to create a financial profile of the demander falls within essentially three general areas: general information, the type of financing sought, and the names of suppliers to which the demander previously applied. The service provider may also provide the demander with a statement of the terms of the agreement between the demander and the service provider as part of the form, such as wherein submitting the form creates a contract between the demander and service provider.

(Para. [0035], with emphasis added through underlining). Thus, Wilkinson describes collecting information associated with a demander (i.e., party requesting services) that is entered into a paper form or an electronic form. However, nowhere does Wilkinson disclose, teach, or suggest at least “capturing data access information associated with what data is accessed by the referral using the provided operations” as recited in claims 1, 56, and 57, with emphasis added through underlining. The collection of information done by Wilkinson has nothing to do with what data is accessed or operations performed. It simply collects data provided “from the demander.” This fact is particularly evident in the description of paragraph [0035] of Wilkinson.

Kleinberg describes a “method and system for selling insurance on-line, particularly where there is an affiliate involved in the transaction who may receive a fee.”

(Abstract). Kleinberg states:

A data object known as a "cookie" is often used to track the Web pages visited by a particular user. A "cookie" is a small amount of data which a web site transfers to an Internet browser. Typically, a command line in the HTML of a document tell the browser to set a cookie of a certain name or value. The browser then transfers this information to the hard drive of the person viewing the site. Upon subsequent visits to the transferring site (or other sites), this information can then be retrieved from the hard drive and viewed and modified by the subsequently visited web site. A user's cookie file typically contains a history of the Internet addresses visited. These pathnames are used to signal to the browser which sites placed cookies and will be retrieving them on subsequent visits. The "name=value" pairs under each pathname contain codes which are of use to the web site.

(Para. [0007], with emphasis added through underlining). Kleinberg further states that “[b]y using client variables, cookies or similar techniques, subsequent visits to the transactional Web Page can identify the original affiliate. Identification of the affiliate ensures that a referral fee or commission can be accurately computed and properly attributed.” (Para. [0018], with emphasis added through underlining). Kleinberg also states:

In a preferred embodiment of the present invention, each referring web page 110, 120 or 130 contains a reference code identifying the affiliate and creates a cookie which is referenced by transactional web site 200 when the hyperlink is established by the user to identify the affiliate. Alternately a cookie may be used to uniquely identify the user and information to identify the affiliate is stored in application, session or client variables at transactional web site 200.

(Para. [0028], with emphasis added through underlining). Kleinberg still further states that “transactional web site 200 also generates a cookie the first time a customer visits transactional web site 200. The data in the cookie identifies the affiliate providing the first referring web page.” (Para. [0030], with emphasis added through underlining).

However, nowhere does Kleinberg disclose, teach, or suggest at least “capturing data access information associated with what data is accessed by the referral using the provided operations” as recited in claims 1, 56, and 57, with emphasis added through underlining. The identification of Internet addresses visited by a user, as taught by Kleinberg, is not the same as “capturing data...associated with data accessed by the referral using the provided operations” where the operations are “associated with managing a commercial transaction.” Kleinberg simply collects data to identify a user. In Appellant’s claimed invention, recited for example in claim 1, the referral is provided operations for managing commercial transactions. The application describes example commercial transaction management in Figure 9. These operations include accounts receivable processing, account assignment, and payment processing. (See pages 21-22 of the present application). Kleinberg does not capture information associated with what data is accessed by a referral using commercial transaction

Atty. Dkt. No. 046983-0103
management operations. Thus, Kleinberg also fails to disclose, teach, or suggest all of the elements as recited in claims 1, 56, and 57.

Thus, neither Wilkinson nor Kleinberg disclose, teach, or suggest all of the elements of at least claims 1, 56, and 57. A rejection under 35 U.S.C. 103(a) cannot be properly maintained where the references used in the rejection do not disclose all of the recited claim elements. Claims 2, 3, 5, 8-12, 14-17, 19-35, 37-52, 54, 58-64, and 66-67 depend from Claim 1. Therefore, Appellant respectfully requests withdrawal of the rejection of claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67.

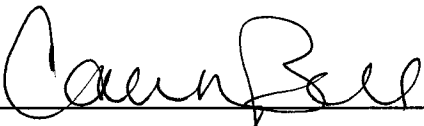
CONCLUSION

In view of the foregoing discussion and arguments, Appellant respectfully submits that Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 are not properly rejected under 35 U.S.C. 112, second paragraph. Appellant also respectfully submits that Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64, and 66-67 are not properly rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson in view of Kleinberg. Accordingly, Appellant respectfully requests that the Board reverse all claim rejections and indicate that a Notice of Allowance respecting all pending claims should be issued.

Respectfully submitted,

Date May 6, 2008

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4263
Facsimile: (608) 258-4258

By 

Callie M. Bell
Attorney for Appellant
Registration No. 54,989

CLAIMS APPENDIX

1. (Previously presented) In a transaction management and financial services system configured to communicate between a server and at least one remote device via a network, a method comprising:

providing a screen display indicating an affiliation with a referring party;

receiving a referral from the referring party, the referral including information regarding any of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party;

receiving commercial transaction information associated with the referral;

storing the information regarding the referral and the received commercial transaction information in a storage device;

determining whether the referral satisfies system-based parameters;

if the referral satisfies system-based parameters, determining whether the system has sufficient information to engage the referral;

if the system has sufficient information, engaging the referral;

if the referral becomes engaged, establishing an account for the referral;

providing operations which can be performed by the referral, the operations associated with managing a commercial transaction;

capturing data access information associated with what data is accessed by the referral using the provided operations;

forming a profile for the referral that includes the captured data access information; and

storing the formed profile in the storage device.

2. (Original) The method of claim 1, wherein the referral is received from a credit processing center of a financial institution.

3. (Previously presented) The method of claim 1, wherein the referral is received from any of a centralized processing center of a financial institution, a centralized underwriting center of a financial institution, a financial institution, and an electronic commerce site.

4. (Canceled)

5. (Previously presented) The method of claim 1, if the referral party does not satisfy system-based parameters, further comprising forwarding information regarding the referral to a third party.

6. (Canceled)

7. (Canceled)

8. (Previously presented) The method of claim 1, wherein the commercial transaction information comprises any of invoices, purchase orders, shipping documentation, check copies, check remittance information, credit memos, time tickets, and other documentation associated with commercial transactions.

9. (Previously presented) The method of claim 1, where there is not sufficient information to engage the referral, further comprising obtaining additional information from the referral.

10. (Previously presented) The method of claim 1, where there is sufficient information to engage the referral and the referral is a financing-seeking party, further comprising providing a proposal for financing to the financing-seeking party.

11. (Original) The method of claim 10, further comprising receiving a response to the proposal from the financing-seeking party.

12. (Original) The method of claim 11, if the received response is a rejection of the provided proposal, further comprising providing an alternative financing proposal.

13. (Canceled)

14. (Previously presented) The method of claim 1, wherein the commercial transaction information is received from the referral.

15. (Previously presented) The method of claim 14, wherein receiving the commercial transaction information comprises receiving electronic commercial transaction information, receiving paper-based commercial transaction information, converting the paper-based commercial transaction information into an electronic format, and storing the received commercial transaction information in a central server computer.

16. (Previously presented) The method of claim 15, wherein the account is established within a marketplace comprising buyers and sellers.

17. (Original) The method of claim 16, wherein the marketplace comprises a centralized repository of commercial transaction information for buyers and sellers.

18. (Canceled)

19. (Previously presented) The method of claim 16, wherein the provided operations can be performed within the marketplace and comprise any of trade credit underwriting, financing, and modification and customization of a screen display at a remote device in communication with the server.

20. (Previously presented) The method of claim 19, wherein trade credit underwriting comprises any of receiving a request to approve a buyer for trade credit; responding to the request by analyzing the buyer for trade credit eligibility; obtaining additional information on the buyer, where there is insufficient information to analyze the buyer for trade credit eligibility; and making a recommendation to the requesting party as to the eligibility of the buyer for trade credit.

21. (Previously presented) The method of claim 20, wherein the additional information may include information obtained from any of the buyer seeking trade credit approval and external information sources.

22. (Previously presented) The method of claim 21, wherein the information received from the buyer comprises any of length of time in business, number of employees, industry, sales size, credit references, banking references, type of business, financial information, and other buyer information.

23. (Previously presented) The method of claim 21, wherein the external information sources comprise any of banks; suppliers; credit agencies; identification verification companies; local, state, federal, and international governments; and information gathering firms.

24. (Previously presented) The method of claim 23, wherein the external information from banks comprises any of information on credit facilities to the buyer seeking trade credit approval, average size of bank balances, performance histories including overdraft frequency, credit facility default history, and other banking records relating to the buyer seeking trade credit approval.

25. (Previously presented) The method of claim 23, wherein the external information from suppliers comprises any of information on the length of their relationship with the buyer seeking trade credit approval, average credit extended to the buyer seeking trade credit approval, payment performance history of the buyer seeking trade credit approval, products sold to the buyer seeking trade credit approval, degree of satisfaction with the performance of the buyer seeking trade credit approval, and other information concerning their relationship with the buyer seeking trade credit approval.

26. (Previously presented) The method of claim 23, wherein the external information from credit agencies comprises any of length of time in business, number of employees, industry, sales size, bank of record, secured party information, payment performance history, type of business, financial information, organizational history, owner biographical information, and other buyer information.

27. (Original) The method of claim 23, wherein the external information from identification verification companies comprises authentication of buyer identity.

28. (Previously presented) The method of claim 23, wherein the external information from local, state, federal, and international governments comprises any of corporate documents including articles of incorporation, corporate filing documents, information containing identification of the officers of the company, information contained within SEC filing documents, and other information available through various governments.

29. (Previously presented) The method of claim 1, wherein managing the commercial transaction comprises any of aggregating commercial transaction information including images to a central server computer; providing access to ancillary commercial transaction information through the central server computer to facilitate management, maintenance, and conclusion of commercial transactions; enabling external users to access the central server computer to modify commercial transaction information, to electronically reconcile modifications of commercial transaction information with an accounting system located at a remote device, to conclude and electronically reconcile commercial transaction information with an accounting system located at a remote device; receipt and application of electronic and paper-based payment; storing payment information, including images, within the central server computer; and facilitating the management and collection of payments; allowing buyers and seller to electronically reconcile payment information with an accounting system located at a remote device.

30. (Previously presented) The method of claim 29, wherein the ancillary commercial transaction information comprises any of electronic shipping information, bank account information, and other information necessary to manage, maintain, and conclude commercial transactions.

31. (Original) The method of claim 29, wherein the step of aggregating commercial transaction information comprises linking commercial transaction information to the associated commercial transaction and accounts of a buyer and seller that are parties to the commercial transaction.

32. (Original) The method of claim 29, wherein commercial transaction management further comprises providing dispute resolution, comprising the steps of:

receiving dispute information related to an invoice, the dispute information including information identifying the disputed invoice, the invoice having an invoice issuer and an invoice recipient;

communicating the dispute information to the invoice issuer; and

providing for communication between the invoice issuer and the invoice recipient to facilitate resolution of the dispute.

33. (Original) The method of claim 29, further comprising providing access to commercial transaction documentation to both the buyer and the seller, commercial transaction documentation including commercial transaction information and ancillary commercial transaction information.

34. (Previously presented) The method of claim 19, wherein financing comprises any of receiving information regarding a financing seeking party; where there is sufficient information to make a proposal, making a proposal to provide financing to the financing seeking party; where there is not sufficient information to make a proposal, obtaining additional information; and if the proposal is declined, providing an alternative financing proposal.

35. (Previously presented) The method of claim 34, wherein sufficient information comprises any of financial information of the financing-seeking party, articles of

incorporation of the financing-seeking party, customer list of the financing-seeking party, vendor list of the financing-seeking party, organizational history of the financing-seeking party, detailed lists of assets and liabilities of the financing-seeking party, number of employees of the financing-seeking party, industry of the financing-seeking party, type of business of the financing-seeking party, key employee biographies and responsibilities of the financing-seeking party, and other information on the financing-seeking party.

36. (Canceled)

37. (Previously presented) The method of claim 1, wherein the captured data access information can be information regarding any of advance requests, over advance requests, credit availability, and communications with financing seeking party.

38. (Previously presented) The method of claim 19, wherein the referral includes any of a specific company user and a specific individual user.

39. (Previously presented) The method of claim 38, wherein the profile comprises information associated with how a display of data on the screen display is modified by the referral.

40. (Previously presented) The method of claim 38, wherein the profile further comprises information gathered during any of the operations of trade credit underwriting and financing.

41. (Previously presented) The method of claim 38, further comprising customizing a look and feel of the screen display based on the profile established for the referral.

42. (Previously presented) The method of claim 1, wherein a look and feel of a screen display furthers brand exposure of the referring party.

43. (Previously presented) The method of claim 1, wherein a look and feel of a screen display comports with a brand image of the referring party, whereby an impression is created that the operations of the transaction management and financial services system are being performed by the referring party.

44. (Previously presented) The method of claim 1, wherein a look and feel of a screen display comports with a brand image of the referring party, whereby an impression is created that the operations of the transaction management and financial services system are being performed in affiliation with the referring party.

45. (Previously presented) The method of claim 38, further comprising customizing the content of the screen display based on the profile established for the referral.

46. (Previously presented) The method of claim 38, further comprising customizing advertisements provided on the screen display based on the profile established for the referral.

47. (Original) The method of claim 46, wherein the advertisements are specific to the referring party.

48. (Previously presented) The method of claim 38, further comprising customizing the presentation of referring party products and services to the screen display based on the profile established for the referral.

49. (Original) The method of claim 38, wherein the profile comprises attributes determined by an external party.

50. (Previously presented) The method of claim 49, wherein the external party comprises any of an advertiser, referring party, financial institution, and any corporate entity.

51. (Previously presented) The method of claim 49, further comprising providing a means for any of accessing, analyzing, interpreting, modifying, and retrieving attributes of the profile.

52. (Original) The method of claim 38, wherein the profile comprises system-defined attributes.

53. (Canceled)

54. (Previously presented) The method of claim 1, wherein the screen display is wholly representative of the referring party.

55. (Canceled)

56. (Previously presented) A system configured to provide transaction management and financial services and to communicate between a server and at least one remote device via a network, the system comprising:

means for providing a screen display indicating an affiliation with a referring party;

means for receiving a referral from the referring party, the referral including information regarding any of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party;

means for receiving commercial transaction information associated with the referral;

means for storing the information regarding the referral and the received commercial transaction information in a storage device;

means for determining whether the referral satisfies system-based parameters;

if the referral satisfies system-based parameters, means for determining whether the system has sufficient information to engage the referral;

if the system has sufficient information, means for engaging the referral;

if the referral becomes engaged, means for establishing an account for the referral;

means for providing operations which can be performed by the referral, the operations associated with managing a commercial transaction;

means for capturing data access information associated with what data is accessed by the referral using the provided operations;

means for forming a profile for the referral that includes the captured data access information; and

means for storing the formed profile in the storage device.

57. (Previously presented) A computer program product comprising computer readable program code for handling declinations, the program code in the computer program product comprising:

the computer readable program code configured to:

provide a screen display indicating an affiliation with a referring party;

receive a referral from the referring party, the referral including information regarding any of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party;

receive commercial transaction information associated with the referral;

store the information regarding the referral and the received commercial transaction information in a storage device;

determine whether the referral satisfies system-based parameters;

if the referral satisfies system-based parameters, determine whether the system has sufficient information to engage the referral;

if the system has sufficient information, engage the referral;

if the referral becomes engaged, establish an account for the referral;

provide operations which can be performed by the referral, the operations associated with managing a commercial transaction;

capture data access information associated with what data is accessed by the referral using the provided operations;

form a profile for the referral that includes the captured data access information; and

store the formed profile in the storage device.

58. (Previously presented) The method of claim 1, further comprising:

evaluating the referral to determine whether the referral meets system-determined underwriting criteria, the system-determined underwriting criteria being variables used to determine whether the services and products of the system meets the needs of the referral; and

if the referral does not meet system-determined underwriting criteria, seeking an alternative provider for the referral.

59. (Original) The method of claim 58, wherein the step of seeking an alternative provider for the referral comprises communicating application information on the referral to potential alternative providers; and receiving bids from potential alternative providers and communicating bids to the referral.

60. (Original) The method of claim 58, wherein the step of seeking an alternative provider for the referral comprises receiving bids from potential alternative providers; selecting a bid from the received bids; and communicating the selected bid to the referral as a system-branded bid.

61. (Original) The method of claim 58, wherein the step of seeking an alternative provider for the referral comprises matching application information for the referral to underwriting guidelines of a plurality of alternative financing providers and determining whether one or more matches exist.

62. (Original) The method of claim 61, further comprising notifying the alternative provider and the referral of the match.

63. (Original) The method of claim 62, wherein the match is provided on a private label basis, reflecting the brand of the transaction management and financial services system and the referring party.

64. (Original) The method of claim 62, wherein the match is provided on a co-branded label basis, reflecting the brand of the transaction management and financial services system and the alternative provider.

65. (Canceled)

66. (Original) The method of claim 62, wherein the match reflects only the brand of the referring party.

67. (Original) The method of claim 1, further comprising:

compiling a list of names and information associated with providers of commercial transaction management services; and

communicating the list associated with providers of commercial transaction management services for presentation at a remote device.

68. (Canceled)

EVIDENCE APPENDIX

Appellant is not relying on any evidence submitted pursuant to 37 C.F.R. §§
1.130, 1.131, or 1.132.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.